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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,696

06/24/2005

Bart Michiel De Boer

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04/10/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

FISCHER, MARK L

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,696	<b>Applicant(s)</b> DE BOER ET AL.	
	<b>Examiner</b> MARK FISCHER	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. In response to the Amendment filed on February 11, 2008, claims 1 and 5 are amended, and claims 2-4 and 6-8 are original.
2. Please note that the Art Unit designation has changed. The current Art Unit designation is now AU 2627 and it should be used for all incoming correspondence.
3. Please note that this case has been transferred from Examiner Christopher Richardson to Examiner Mark Fischer.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art (AAPA Figs. 1 and 2 and background of the invention).

Regarding claims 1 and 5, AAPA teaches an information recording apparatus and method for recording information on an optical medium, wherein irradiation means emitting a light beam form series of recorded marks (marks found in MK4 of Fig. 1) whose lengths between leading edge and trailing edge correspond to respective binary values (AAPA background of the invention lines 5-10), characterized in that the irradiation means are sequentially pulsed to at least a high laser current write level (HWL) from a low laser current level close to zero (the claim language "close to zero" is a relative term that does not define how close is meant by

Art Unit: 2627

“close to zero,” and thus level BL in Fig. 1 can be viewed as being close to the T-axis which represents the zero level, and thus BL can represent a low laser current level) during the writing period (Fig. 1, element B4) of a recorded mark (MK4) to produce a plurality of current pulses (see pulses pictured between B4 and MK4 in Fig. 1) during the writing period.

Regarding claims 2 and 6, AAPA teaches wherein the low laser current level is equal to zero when an information recording apparatus is shut off, there is no current, and therefore it would be zero.

Regarding claims 3 and 7, AAPA teaches wherein the irradiation means are sequentially pulsed to a high laser current erase level from the low laser current level close to zero during the erasing of a recorded mark (Fig. 1). Note: AAPA Fig. 1 reads on the limitation sequentially pulsed to a high laser current erase level from the low laser current level close to zero during the erasing of a recorded mark as the low laser current level is the threshold level (TL), which is close to the x-axis, which is considered zero.

Regarding claims 4 and 8, AAPA Fig. 1 shows that a bias level BL is reached during the period immediately following writing period B4 before the laser is raised to a level HEL for erasing, and thus BL is reached during a time interval different from writing and/or erasing time intervals. Also, as mentioned in the rejection of claims 1 and 5, the bias laser current level is substantially equal to the low laser current level (Fig. 1).

***Response to Arguments***

6. The amendments to Figs. 1 and 2 of the Drawings (Remarks, page 6, lines 2-8) in regards to the objection to the Drawings have been reviewed and are accepted. Therefore, the objection to the Drawings has been withdrawn.

7. Applicant's arguments (Remarks, page 6, line 9 to page 8, line 6) have been fully considered but they are not persuasive. Applicant argues that Fig. 3 presents the difference between the prior-art conventional pulse pattern and a pulse pattern in accordance with the instant invention. Applicant also mentions advantages of the instant invention. However, claims 1 and 5, even when considered in light of the new amendments, is still broad enough that it can be interpreted such that it is read on by the AAPA. Therefore, the rejection of claims 1 and 5 holds.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen (US Pub. No. 2005/0083828 A1)

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK FISCHER whose telephone number is (571) 270-3549. The examiner can normally be reached on Monday-Friday from 9:00AM to 6:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Fischer/  
Examiner, Art Unit 2627

/HOA T NGUYEN/  
Supervisory Patent Examiner, Art Unit 2627